


Remarks:

The USPTO accidentally mailed the last Office Action to Fish and Richardson (see PAIR). Because of this, our office only learned of the outstanding action this week as the result of due diligence follow up. Applicant would have otherwise responded to the Action well within the allotted 3 month time period which expired February 20. Because the delay was caused by the USPTO's incorrect mailing, we should not have to pay an extension fee.

With respect to substantive matters, the examiner in his final rejection has indicated allowable subject matter in claim 11 contingent on the Applicant correcting antecedent basis problems. Amendments have been made which clear up the antecedent basis problems and also incorporates all of the claim 10 and 11 limitations into claim 8.

Because of this, we respectfully request that this application be allowed. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

Respectfully submitted,


Marshall S. Honeyman
Reg. No. 48,114

Attachment

MSH/tjd

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550

THE COMMISSIONER IS HEREBY AUTHORIZED TO
CHARGE ANY ADDITIONAL AMOUNT REQUIRED,
OR CREDIT ANY OVERPAYMENT, TO ACCOUNT
NO. 19-2112.

TC1600
Organization Bldg./Room REMISEN
UNITED STATES PATENT AND TRADEMARK OFFICE
PO. Box 1450

Alexandria, VA 22313-1450
If Undeliverable Return In Ten Days

Official Business
Penalty For Private Use, \$300



02 1A \$ 00.37
0004204479 DEC 20 2005
MAILED FROM ZIP CODE 22314



AN EQUAL OPPORTUNITY EMPLOYER

RECEIVED
DEC 30 2005
USPTO MAIL CENTER

201 NO 1 904 1 08 12/26/05
FISH & RICHARDSON PC
133 E 39RD ST FL 5B
NEW YORK NY 10022-4811

RETURN TO SENDER

1011170100-33 2002